

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE PLUMBING SUPPLY, LLC, d/b/a)	
FAUCET WORKS,)	
)	
	Plaintiff,)	Case No. 7:14-cv-03674-VB
)	Hon. Vincent L. Briccetti
v.)	
)	
EXXONMOBIL OIL CORPORATION, EXXON)	
MOBIL CORPORATION, CPD NY ENERGY)	
CORPORATION, CUMBERLAND FARMS,)	
INC. and JOHN DOES 1-10,)	
)	
)	
	Defendant.)	
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CPD NY ENERGY CORPORATION,)	
)	
	Defendant and Third-Party Plaintiff,)	
)	
v.)	
)	
CUMBERLAND FARMS, INC.,)	
GROUNDWATER & ENVIRONMENTAL)	
SERVICES, INC., and JOHN DOES 1-10,)	
)	
	Third-Party Defendants,)	
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DEFENDANT CUMBERLAND FARMS, INC.'S RULE 26(a) INITIAL DISCLOSURES

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Defendant Cumberland Farms, Inc. ("Cumberland"), through counsel, hereby provides its initial disclosures in the above-captioned matter. Cumberland provides these Initial Disclosures based on information reasonably available to it at this time, and will amend and/or supplement these Initial Disclosures as required by Federal Rule of Civil Procedure 26(e). These Initial Disclosures shall not constitute an

admission that the information provided herein is, or the documents described herein are, relevant or admissible in this case. Nor shall these Initial Disclosures be construed as waiving any privileges or objections that Cumberland may have to the information provided, or the documents described, herein.

- A. Rule 26(a)(1)(A)(i) - The name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information – that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.**

RESPONSE:

The following individuals are likely to have discoverable information that Cumberland may use to support its claims or defenses, including but not limited to discoverable information concerning 381 White Plains Road, Eastchester, New York (the “Cumberland Site”).

Cumberland reserves the right to amend and/or supplement the following list of individuals with other persons based on information provided by Plaintiffs or based on information otherwise disclosed during the course of discovery. Any employees and/or former employees of Cumberland may be contacted only through Cumberland's counsel listed below.

1. Jorma Weber, Hydrogeologist, Leggette, Brashears & Graham, Inc., 4 Westchester Park Drive, Suite 175, White Plains, NY 10604. Upon information and belief, this individual has information regarding the claims and defenses asserted in this action, including the environmental conditions at the Cumberland Site.

2. Christopher Johnson, Senior Project Manager, Cumberland Farms, Inc., 100 Crossing Blvd., Framingham, MA 01702. Upon information and belief, this individual has information regarding the claims and defenses asserted in this action, including the environmental conditions at the Cumberland Site.

3. Angela Pimental, Senior Manager Environmental Compliance, Cumberland Farms, Inc., 100 Crossing Blvd., Framingham, MA 01702. Upon information and belief, this

individual has information regarding the claims and defenses asserted in this action, including the environmental conditions at the Cumberland Site.

- B. Rule 26(a)(1)(A)(ii) - A copy – or a description by category and location – of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.**

RESPONSE:

A description by category and location of all non-privileged documents, electronically stored information, and tangible things that Cumberland has in its possession, custody, or control that Cumberland may use to support its claims or defenses is set forth below.

- Documents, electronically stored information, and tangible things relating to Cumberland's purchase and environmental investigation and remediation of the Cumberland Site, which are located in Cumberland's offices;
- Environmental reports prepared on behalf of the Exxon Company, U.S.A. regarding the Cumberland Site, which are located in Cumberland's offices.

Cumberland reserves the right to identify additional relevant documents, electronically stored information, and tangible things as they become known through case investigation, discovery, or otherwise.

- C. Rule 26(a)(1)(A) - A computation of each category of damages claimed by the disclosing party – who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.**

RESPONSE:

Not applicable at this time, but Cumberland reserves the right to identify computations for damages claimed but Cumberland after it has filed its Answer, Counter-Claims, Third-Party Claims, or other claims.

- D. Rule 26(a)(1)(A)(iv) - For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

RESPONSE:

With respect to the claims in the Second Amended Complaint and First Amended Third-Party Complaint, at this time Cumberland is not aware of any applicable insurance agreements under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Cumberland reserves the right to amend or supplement any of its disclosures contained herein or add additional individuals likely to have discoverable information.

Dated: August 21, 2015
Hartford, Connecticut

DEFENDANT,
CUMBERLAND FARMS, INC.

/s/ Gian-Matthew Ranelli
Gian-Matthew Ranelli (MR5748)
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CERTIFICATE OF SERVICE

I, Gian-Matthew Ranelli, hereby certify that on August 21, 2015, I caused the foregoing Initial Disclosures, filed through the CM/ECF system, to be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Gian-Matthew Ranelli
Gian-Matthew Ranelli